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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,338	01/09/2001	Michael Fabry	02103-399001 / AABOSS29	8138

7590

08/27/2002

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EXAMINER

HARVEY, MINSUN OH

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,338

Applicant(s)

FABRY

Examiner

Minsun Oh Harvey

Art Unit

2644



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 to 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda in view of Polk.

Honda discloses an audio system which is comprised of a first directional audio channel signal source (signal from 11-11n, which is input to 22); a surround audio channels signal source (33); a first electroacoustical transducer coupled to the first directional audio signal and to the surround audio channel source (39L and 39R); the first electroacoustical transducer constructed and arranged to radiate sound waves corresponding to audio signals from the first directional audio channel signal source and corresponding to audio signals from the surround audio channel signal source (39L and 39R do radiate sounds from the directional and the surround channel signal); a second electroacoustical transducer coupled to the first directional audio signal source (19L and 19R), the second electroacoustical transducer constructed and arranged to radiate sound waves corresponding to audio signals from the first directional audio channel signal source (radiate output from 12 which could be same as signal output from 22); a first and a second audio scaling devices (34 and 22). Honda does not disclose that the audio system could be used within a vehicle; a second directional audio channel source (signal from 11-11n, which is input to 22).

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Polk discloses an audio system which is comprised of first transducers situated behind a first passenger location and for transmitting a first directional audio signals (RW and LW); a second transducers situated forward of the first transducers and for transmitting the first directional audio signals (RF and LF); and a third electroacoustical transducer for transmitting rear signals (RR and RL). Since Polk has disclosed a speaker system which could be used within a vehicle, it would have been obvious to combine Polk's teaching with Honda because a speaker system of Honda could be used within a vehicle for reproducing enhanced acoustic image.

Regarding claim 4, Honda as modified do not disclose a second directional audio channel source is a center channel source. However, even though Honda as modified do not disclose a second directional audio channel source being a center channel source, it would have been obvious to have a center channel source as claimed because reproducing a center sound in an audio system is well known in the art.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weingartner, Klayman and Ambourn discloses a sound system within a vehicle.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Minsun Oh Harvey** whose telephone number is **(703) 308-6741**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Bill Isen**, can be reached at **(703) 305-4386**.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

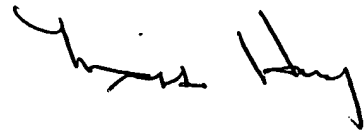
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.



**MINSUN OH HARVEY
PRIMARY EXAMINER**